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STAFF NOTES:

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Chile: State of War/State of Siege: Does it Matter?

Junta President Pinochet's September 11 announcement of an end to the year old "State of War" initially appeared to have significant juridical implications. The shift to a "State of Siege - Internal Defense" has, however, turned out to be one of form rather than substance.

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Chile had been under both a "State of War" and a "State of siege." The latter was declared on September 11, 1973, and the following day, the junta decreed that it was to be interpreted as equivalent to a "State of War." A simple end to the "State of War" would have rendered wartime provisions of the military justice code inoperative and made less severe peacetime procedures--such as those calling for civil court review of court martial verdicts--applicable.

Two Decree Laws issued in conjunction with Pinochet's announcement, however, established a new nine-level hierarchy of states of emergency--see accompanying chart--and declared effective a condition that maintains the strict wartime code provisions.

The "change" from "State of War and Siege" to "State of siege - Internal Defense" seems to have been designed as a domestic psychological boost, and for propaganda and political impact abroad. The new emergency state structure does provide a ready-made framework for an orderly easing of certain internal security measures; however, when the military government feels self-confident enough to make substantive changes.

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